

**Remarks**

Reconsideration and allowance of the subject patent application are respectfully requested.

In an Information Disclosure Statement (IDS) submitted concurrently herewith, copies are provided of the documents which were identified in the PTO-1449 forms returned with the office action as not being considered. Consideration of these documents is respectfully submitted. Moreover, NPL documents previously submitted have been listed on the PTO-1449 forms attached to the concurrently-submitted IDS herewith. For the Examiner's convenient reference, copies of the listed NPL documents are provided with the IDS.

Claims 1-33 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claims 1, 2, 43 and 45 of U.S. Patent No. 5,388,841. To obviate this double patenting rejection, a terminal disclaimer is submitted herewith. The submission of this terminal disclaimer does not constitute (and should not be construed as constituting) acquiescence in the propriety of the double patenting rejection. See, e.g., *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991).

SAN *et al.*

Serial No.: 10/781,864

Response to Office Action of October 17, 2005

This application is believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in cursive script, appearing to read "Michael J. Shea", written over a horizontal line.

Michael J. Shea

Reg. No. 34,725

MJS:mjs

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100